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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,469	11/10/2003	Patrick J. Garavan	H0682.70002 US00	5727
7590	06/09/2005		EXAMINER JAGAN, MIRELLYS	
Steven J. Henry Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210			ART UNIT 2859	PAPER NUMBER

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,469

Applicant(s)

GARAVAN, PATRICK J.

Examiner

Mirellys Jagan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The Replacement drawing sheet showing figure 1 as prior art was received on 3/11/05.

These drawings are approved.

Claim Objections

2. In view of Applicant's remarks on page 9 of the response filed 3/11/05, claims 20-22 are objected to because of the following informalities:

Claims 20 and 22 state that the second term of the ratio is equivalent to "the remainder of the current sources". However, it is not clear what is being referred to by 'the remainder of the current sources', e.g., is the second term equivalent to a sum of the remainder of the current sources, or an average of the remainder of the current sources?

Claim 21 is objected to for being dependent on an objected base claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,808,307 to Aslan et al [hereinafter Aslan].

Referring to claim 1, Aslan discloses a circuit adapted to provide at an output an output current defined by an average of ratios of measurement currents, each ratio provided by a plurality of equivalent current sources coupled in common to a current output, a first term of each ratio being defined by a selected one of the current sources and a second term of the ratio being defined by the remaining current sources, wherein the circuit is adapted to enable a selective changing of each of the current sources providing the first term until each of the current sources has provided the first term, the output current being equivalent to the average of the sum of ratios determined (see figure 1 and 3; column 2, lines 46-63; column 3, lines 1-24; column 4, lines 11-22 and 36-45; column 4, line 52-column 46; and column 7, lines 2-5).

Referring to claims 2-11 and 17-19, Aslan discloses a chip having a circuit comprising:
a plurality of equivalent current sources (110) each being individually switchable to at least one transistor (120), the current sources being arranged to generate a PTAT voltage at the output of the transistor, the PTAT voltage being defined by an applied current coupled to the transistor and representing the temperature measured by the circuit;

a digitizer (114) adapted to digitize the voltage such that each of the values representative of the voltage is a digital 'word', i.e., is digital data;

storage circuitry (118) adapted to store a digital value representative of the generated voltage for each of the ratios;

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averaging components (116) adapted to define an average digital value for the stored values representative of the voltage determined in each of the sequential coupling steps and a temperature of the chip; and

wherein the applied current is provided by a ratio of the current sources; a first term of the ratio is provided by a selected one of the current sources and a second term of the ratio is provided by the remaining current sources; the circuit is adapted to enable a selective changing of each of the current sources providing the first term of the ratio; and the circuit is adapted to enable shuffling through the current sources to change the selected one of the current sources providing the first term thereby sequentially coupling the currents, each defined by a ratio of the current sources, to the transistor; the circuit is adapted to shuffle the current sources so that each has provided the first term of the ratio; the number of current sources provided is 16; and the circuit can have two PN junctions, i.e., two transistors, such that the currents can be applied to each junction and a voltage proportional to absolute temperature can be obtained through sequential coupling of the transistors to either of the current sources or the remaining of the current sources, the voltages being subtracted from each other once obtained, i.e., the voltages are out of phase (not the same); and the circuit is adapted to couple a current of the first term to one of the transistors and a current of the second term to the other transistor (see figure 1 and 3; column 2, lines 46-63; column 3, lines 1-24; column 4, lines 11-22 and 36-45; column 4, line 52-column 46; and column 7, lines 2-5).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aslan in view of U.S. Patent 5,982,221 to Tuthill.

Aslan discloses a circuit having all of the limitations of claims 15 and 16, as stated above in paragraph 4, except for the transistor being a bipolar transistor or a parasitic transistor in a CMOS implementation.

Tuthill discloses a temperature measuring circuit having switched current sources for applying a current to a PN junction for measuring temperature. Tuthill teaches that useful alternate PN junctions for the temperature sensor are a transistor, a bipolar transistor, or a parasitic substrate bipolar transistor in a CMOS circuit (see column 2, lines 27-29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the circuit disclosed by Aslan by replacing the transistor with either a bipolar transistor or a parasitic transistor in CMOS circuit since Tuthill teaches that all of these transistors are useful alternative PN junctions for measuring temperature in a circuit.

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aslan in view of U.S. Patent Application Publication 2001/0026576 to Beer et al [hereinafter Beer].

Aslan discloses a circuit having all of the limitations of claims 12-14, as stated above in paragraph 4, except for the chip having circuitry adapted to couple a voltage from each transistor

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to pins for providing external access to the chip such that the voltage is measurable at the pins to enable external calibration of the temperature sensed on the chip.

Beer discloses a chip having temperature-measuring circuitry for measuring temperature sensed by a PN junction. Beer teaches that useful to couple a voltage from PN junction to an exterior pin for providing external access to the chip such that the voltage is measurable at the pin to enable testing of the PN junctions on the chip (see paragraphs 4, 8, and 9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the circuit disclosed by Aslan by coupling the voltage from each of the transistors of the chip to exterior pins for providing external access to the chip, as taught by Beer, in order to enable testing of the transistors.

Furthermore, the recitation that the pins are for enabling calibration of the temperature, externally evaluating the voltages, and providing a dual function in addition to the calibrating function are considered to be a recitation of the intended use of the pins and has not been given patentable weight since it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. See *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Allowable Subject Matter

8. Claims 20-22 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

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9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claims:

A temperature sensor chip, wherein the ratio of the currents is defined by a second term that is equivalent to the remainder of the current sources of the array, and shuffling through the current source array to sequentially vary the ratio (see claim 20).

A method of sensing and measuring temperature on a chip, wherein the ratio of the currents is defined by a second term that is equivalent to the remainder of the current sources of the array, and shuffling through the current source array to sequentially vary the ratio (see claim 22).

Response to Arguments

10. Applicant's arguments filed 3/11/05 have been fully considered but they are not persuasive. Applicant states that Aslan fails to anticipate claims 1 and 2 because he fails to disclose the second term of the ratio being defined by all of the remaining current sources other than the current source defining the first term. However, it is noted that this feature upon which Applicant relies, i.e., that the denominator of the current ratio is defined by or provided by all of the current sources except the other than the current source defining the first term, are not recited in the rejected claim(s), i.e., Applicant has not positively excluded the current source defining the first term. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, Aslan teaches that the denominator of

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the current ratio is 'defined by' or 'provided by' all of the current sources, wherein all of the current sources includes the 'remainder of the current sources of the array' as claimed.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
June 6, 2005


GAIL VERBITSKY
PROPERTY EXAMINER